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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Thaddaeus Sanchez Ruelas,

No. CV-22-00491-TUC-JGZ

10 Petitioner,

ORDER

11 v.

12 David Shinn, et al.,

13 Respondents.
14

15 Pending before the Court is a Report and Recommendation (“R&R”) issued by
16 United States Magistrate Judge Lynette C. Kimmins. (Doc 15.) Magistrate Judge Kimmins
17 recommends denying Petitioner’s § 2254 Amended Petition for Writ of Habeas Corpus.
18 (*Id.*) Neither party has filed an objection to the R&R and the time to file objections has
19 expired.

20 This Court “may accept, reject, or modify, in whole or in part, the findings or
21 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). “[T]he district
22 judge must review the magistrate judge’s findings and recommendations de novo if
23 *objection is made*, but not otherwise.” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121
24 (9th Cir. 2003) (en banc) (emphasis in original). District courts are not required to conduct
25 “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*,
26 474 U.S. 140, 149 (1985). *See also* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72. There being
27 no objection to the R&R, the Court will adopt Magistrate Judge Kimmins’s
28 recommendation. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Thomas*, 474 U.S. at 149–


1 54.

2 Before Petitioner can appeal this Court's judgment, a certificate of appealability
 3 (COA) must issue. *See* 28 U.S.C. §2253(c); Fed. R. App. P. 22(b)(1); Rule 11(a) of the
 4 Rules Governing Section 2254 Cases. "The district court must issue or deny a certification
 5 of appealability when it enters a final order adverse to the applicant." Rule 11(a) of the
 6 Rules Governing Section 2254 Cases. Pursuant to 28 U.S.C. § 2253(c)(2), a COA may
 7 issue only when the petitioner "has made a substantial showing of the denial of a
 8 constitutional right." The court must indicate which specific issues satisfy this showing.
 9 *See* 28 U.S.C. § 2253(c)(3). With respect to claims rejected on the merits, a petitioner "must
 10 demonstrate that reasonable jurists would find the district court's assessment of the
 11 constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).
 12 For procedural rulings, a COA will issue only if reasonable jurists could debate whether
 13 the petition states a valid claim of the denial of a constitutional right and whether the court's
 14 procedural ruling was correct. *Id.* Applying these standards, the Court concludes that a
 15 certificate shall not issue, as the resolution of the petition is not debatable among reasonable
 16 jurists. Accordingly,

17 **IT IS ORDERED:**

- 18 1. Magistrate Judge Kimmins's Report and Recommendation (Doc. 16) is **adopted**.
- 19 2. Petitioner's Amended Petition for Writ of Habeas Corpus (Doc. 6) is **denied**.
- 20 3. The Clerk of Court shall enter judgment accordingly and close the file in this action.

21 Dated this 23rd day of September, 2024.

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 24 Jennifer G. Zippo
 25 United States District Judge
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